

REMARKS

The present application has been reviewed in light of the Office Action dated June 10, 2009. Claims 11-18 are presented for examination. Claims 11, 12, and 18, which are the only claims in independent form, have been amended to more clearly define aspects of Applicant's invention. Favorable reconsideration is requested.

As an initial matter, Applicant gratefully acknowledges the indication that Claims 11-18 include allowable subject matter and would be allowable if the rejections discussed below are overcome. For at least the following reasons, Applicant respectfully submits that all the claims are in condition for allowance.

The Office Action states that Claims 11-18 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. In particular, the term "a lowest potential region" was found to be a relative term and thus indefinite. In response, Applicant has carefully reviewed and amended independent Claims 11, 12, and 18, as deemed necessary, to ensure that they conform fully to the requirements of § 112, second paragraph, with special attention to the points raised in section 2 of the Office Action. More specifically, the term "a lowest potential region" has been clarified to be "a lowest potential region within said buried channel type MOS transistor, in comparison to potentials of other regions of an under portion of a gate of said buried channel type MOS transistor." It is respectfully submitted that the term in question, as amended, is sufficiently definite under § 112, second paragraph, and therefore withdrawal of the rejections is respectfully requested.

This Amendment After Final Action is believed clearly to place the present application in condition for allowance. Therefore, entry of this Amendment under 37 C.F.R.

§ 1.116 is believed proper and is respectfully requested, as an earnest effort to advance prosecution and reduce the number of issues. Should the Examiner believe that issues remain outstanding, it is respectfully requested that the Examiner contact Applicant's undersigned attorney in an effort to resolve such issues and advance the case to issue.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and an early passage to issue of the present application.

No petition to extend the time for response to the Office Action is deemed necessary for this Amendment. If, however, such a petition is required to make this Amendment timely filed, then this paper should be considered such a petition and the Commissioner is authorized to charge the requisite petition fee to Deposit Account 50-3939.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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